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The Kurds in Post-Saddam Iraq

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Summary

Iraq's Kurdish community, repressed by previous Iraqi governments, has become a major force in post-Saddam Iraq. The Kurdish-inhabited regions of northern Iraq are relatively peaceful, reconstruction is proceeding there, and the Kurdish leaders now have senior positions in the post-elections government. However, there are concerns that the Kurds might use their political strength to serve their own interests at the expense of a unified Iraq. This report may be updated. See also CRS Report RL31339, *Iraq: U.S. Regime Change Efforts and Post-Saddam Governance*.

Pre-War Background

The Kurds, a mountain-dwelling Indo-European people, comprise the fourth largest ethnic group in the Middle East. Although their origins are believed to go back more than two millennia, they have never obtained statehood. An initial peace settlement after World War I held out hopes of Kurdish independence, but under a subsequent treaty they were given minority status in their respective countries — Turkey, Iran, Iraq, and Syria — with smaller enclaves elsewhere in the region. (See dark gray area of map). Kurds now number between 20 and 25 million, with an estimated 4 to 4.5 million in Iraq, roughly 15 to 20 percent of the Iraqi population. With a few exceptions, Kurds are Muslims of the Sunni sect and speak a language (consisting of several dialects) akin to Persian.

To varying degrees, Kurds have been objects of discrimination and persecution in the countries where they reside. Some Kurds would settle for fair treatment or meaningful autonomy in their countries of residence, while others aspire to an independent state. In strictly legal terms, Kurds have enjoyed more national rights in Iraq than in any other host country. Under a series of laws and edicts, successive Iraqi governments have authorized limited use of the Kurdish language in elementary education (1931), recognized a “Kurdish nationality” theoretically co-equal with “Arab nationality” (1958), and implemented a limited program of autonomy for the Kurdish areas (1974). In practice, Iraqi concessions to the Kurdish minority were more seeming than real, and Kurds complained that only those members of their community willing to accept direction from Baghdad were allowed to take part in the autonomous administration. For the three decades that preceded the U.S.-led expulsion of Iraqi forces from Kuwait in 1991, an

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intermittent insurgency on the part of Iraqi Kurdish militia (“*peshmerga*”) was met with increasingly harsh suppression by successive Iraqi regimes, culminating in brutal reprisals by the Ba’thist government of Saddam Hussein.

For some years, Kurdish dissidence in Iraq was led by the Barzani tribe, which comes from a village approximately 60 miles northeast of Mosul. Their storied chieftain, the late Mulla Mustafa Barzani, founded the Kurdish Democratic Party during a period of exile after World War II. He returned to Iraq in 1958, and soon became the focal point for the Kurdish rebellions against Baghdad. After some vacillation, he rejected the Iraqi government’s declaration of Kurdish autonomy in 1974,¹ and launched a new revolt, which collapsed in 1975 when neighboring Iran withdrew its support for the Kurdish militia. Barzani, granted asylum in the United States, died in 1979, and leadership of his party ultimately passed to his son Masoud Barzani. In the meantime, some years earlier, a younger, more urban and left-leaning group under Jalal Talabani emerged, and it broke with Barzani in 1964. In 1975, Talabani founded a rival group, the Patriotic Union of Kurdistan (PUK). Since then, the KDP and the PUK have been the leading voices of the Iraqi Kurdish movement, although other smaller groups have appeared as well. Differences between the KDP and PUK center more on leadership than ideology. The KDP, generally more tribal and traditional, is strongest in the mountainous northern Kurdish areas. The PUK predominates in southern Kurdish areas. The two have differed over the degree to which they should accommodate the central government and over their relationships with Iran, sometimes swapping positions. But their biggest differences have resulted from disagreements over power and revenue sharing (see below).

Regional developments have further complicated the status of the Kurds in Iraq. During the first few years of the 1980-1988 Iraq-Iran war, the Iraqi government adopted a more conciliatory approach toward the Kurds to minimize domestic problems that would complicate the war effort. In 1984, Talabani’s PUK agreed to cooperate with Baghdad, but Barzani and the KDP remained in opposition. By 1987, however, the diminishing military threat from Iran freed the government to concentrate additional forces against the Kurds. Arbitrary imprisonment, torture, and forced resettlement of Kurds outside their area were accelerated, and Iraqi forces launched at least two lethal gas attacks against Kurdish targets in 1988, including the town of Halabja (March 16, 1988, about 5,000 killed). Iraqis denied the reports or justified these actions as responses to Kurdish support for Iranian forces during the latter phases of the Iran-Iraq war.

Three years later, the allied campaign against Iraq following its invasion of Kuwait gave the Kurds an opportunity to launch another insurrection, which Iraqi forces succeeded in suppressing. However, U.S. and allied forces in mid-1991 instituted a no-fly zone over the northern Kurdish areas, enabling the Kurds to establish a de facto autonomy. In 1991, Kurdish leaders joined the Iraqi National Congress (INC), a U.S.-sponsored opposition group, and subsequently allowed the INC to establish a presence in Iraqi Kurdish territory. The Kurds supported several abortive coup attempts by the INC and other opposition groups against Saddam Hussein in the 1990s.

¹ The government’s so-called Law of Self-Rule (No. 33 of 1974) provided for limited governing institutions in some Kurdish regions but failed to garner widespread Kurdish support.

Freed temporarily from central governmental control, the Kurds of Iraq set up a rudimentary administration in their enclave and held elections for a 105-member provisional parliament in 1992. The two principal Kurdish factions, the KDP and the PUK, each gained 50 seats, with the other five allocated to small Christian groups. No candidate received a clear majority in the concurrent presidential election, and Kurdish leaders subsequently agreed to establish an 8-member presidential council consisting of members of both major parties. On October 2, 1992, the Iraqi Kurdish parliament called for “the creation of a Federated State of Kurdistan in the liberated part of the country,” although it added that “this federated state does not question the territorial integrity of Iraq. ...”² Iraqi leaders, however, feared that Kurdish demands for a federal system masked a quest for full independence, and adjacent states with large Kurdish populations such as Turkey, Iran, and Syria have shared this concern.

Furthermore, factional in-fighting jeopardized the security of the Kurdish enclave. In early 1994, the uneasy power-sharing arrangement between the KDP and PUK collapsed with the outbreak of armed clashes between the two, initially over questions of land ownership. As the quarrel worsened, the PUK charged that the KDP, which controls areas adjacent to the Turkish border, failed to share revenues on truck traffic departing northern Iraq for Turkey. The KDP, on its part, charged that the PUK expropriated funds belonging to their joint provisional administration. The nadir in PUK-KDP relations occurred in mid-1996, when the KDP briefly sought help from Saddam’s regime in seizing Irbil, the seat of the regional Kurdish government, which the PUK had captured in 1994. The Kurdish provisional parliament became inactive and the Kurdish regional authority effectively split into KDP and PUK entities. However, the United States, supported by Britain and Turkey, spearheaded negotiations that culminated in a meeting in Washington D.C. between Barzani and Talabani in September 1998, at which the two leaders agreed on steps toward a reconciliation. The so-called “Washington Declaration” was endorsed at the first session of a reconvened Kurdish parliament on October 5, 2002.

By mid-2002, the Kurds, along with other Iraqi opposition groups, had begun to calculate that the Bush Administration would overthrow Saddam Hussein militarily and positioned themselves to capitalize on this prospect. In February 2003, opposition groups met in Kurdish-controlled territory in northern Iraq to form a “transition preparation committee,” although these groups were disappointed by a subsequent U.S. decision to set up an occupation authority to govern Iraq after the fall of the regime, rather than immediately turn over governance to Iraqis.

The Immediate Post-Saddam Period

Contrary to some expectations, there was no mass exodus of Kurds from their homes during the major combat phase of Operation Iraqi Freedom; northern Iraq remained stable and the Kurds welcomed the fall of Saddam Hussein in April 2003. However, they lobbied the United States for the early return of Iraq’s sovereignty and to grant broad advisory powers to a 25-person “Iraq Governing Council (IGC)” that was appointed in July 2003. On the IGC were Barzani and Talabani, along with three independent Kurdish leaders. A top Barzani aide, Hoshiyar Zebari, served as “foreign minister” in the IGC-appointed “cabinet” that served from September 2003 until an interim government was

² Institut Kurde de Paris, no. 91-92. October-November 1992. P. 1.

appointed to assume sovereignty on June 28, 2004. In the interim government, Zebari remained Foreign Minister, and a top Talabani aide, Barham Salih, became deputy Prime Minister. The high-level Kurdish participation marked the first time in Iraq's history that the Kurds had entered national politics on an equal footing with Iraq's Arab majority.

At the same time, the approximately 75,000 total *peshmerga*, as the most pro-U.S. force in Iraq, have played a growing role in the coalition-trained Iraqi security forces. A Kurd, Dr. Bruska Shaways has been secretary-general of Iraq's Defense Ministry in the interim government. Although *peshmerga* fighters have been primarily deployed in Kurdish areas to ensure that the insurgency in Arab Iraq does not spill over into the north, the major Kurdish leaders have supported the recruitment of some *peshmerga* into the national security forces. The exact number of *peshmerga* in the national forces is not known, although some are serving in Baghdad. In November 2004 the national security units sent to quell an upsurge of insurgent violence in the northern city of Mosul (a mostly Sunni Arab city, but with many Kurds and other minorities) contained large numbers of *peshmerga*. According to Kurdish representatives, the Kurds did not want their participation in these counter-insurgent operations made public in order to avoid inflaming Arab sentiment against the Kurds.³

Protections for the Kurds in the Interim Constitution

The United States and its Iraqi allies reached agreement in November 2003 that an interim constitution, a "Transitional Administrative Law" (TAL), would be drafted and signed before Iraq regained its sovereignty in June 2004. The TAL, signed March 8, 2004, laid out a political transition process and citizens' rights, but several provisions concern the rights and privileges of the Kurds. Over the objections of Iraq's Shiite Muslim leaders, the Kurds succeeded in inserting a provision into the TAL that allows citizens of any three provinces to vote down, by a two-thirds majority, a permanent constitution that is to be put to a public referendum by October 15, 2005. The Kurds constitute an overwhelming majority in Dohuk, Irbil, and Sulaymaniyah provinces, assuring them of veto power in that referendum, but the Sunni and Shiite Arabs also would have veto power. Several other provisions ensured Kurdish autonomy:⁴

- The Kurds maintain their autonomous "Kurdistan Regional Government" (KRG), but the TAL disallows changes to the boundaries of Iraq's 18 provinces. This provision denies the Kurds control of the city of Kirkuk, the capital of Tamim province, although a subsequent provision allows for a compensation process to resettle Kurds expelled from Kirkuk by Saddam. If followed, the process would likely result in the Kurds' integration of Kirkuk into the KRG-administered region.
- The Arabic and Kurdish languages were deemed "the two official languages of Iraq." Islamic principles are to be considered "a source," but not the only or the primary source, of law. Most Kurds, though

³ CRS conversations with Kurdish representatives in Washington. February 2005.

⁴ The text of the TAL can be obtained from the CPA website: [<http://cpa-iraq.org/government/TAL.html>].

Muslim, are secular, and differ with the philosophy of Iraq's Shiite Islamist leaders that Islamic law be paramount.

- The KRG was given powers to alter the application, in the Kurdish areas, of those Iraqi laws that do not relate to foreign policy, national security, national budgetary matters, and control of Iraq's natural resources, including power to "impose taxes and fees within the Kurdistan region." The KRG retains "regional control over police forces and internal security," thereby allowing the *peshmerga* to legally continue to operate.

Before and immediately after the signing, Iraq's Shiite leaders, particularly Grand Ayatollah Ali al-Sistani, expressed opposition to the provision allowing the Kurds a veto over a permanent constitution; he called on the United Nations not to formally endorse the TAL. Partly because of Sistani's stance, U.N. Security Council Resolution 1546, (June 8, 2004) endorsed the handover of sovereignty from the U.S.-led coalition back to Iraqis, but omitted any mention of the TAL. This raised fears among the Kurds that the Kurd-related provisions of the TAL would be repealed. That has not happened, to date.

The January 2005 Elections

In late 2004, the Kurds began positioning themselves for the January 30, 2005 national elections for a 275-seat transitional National Assembly (which chooses an executive), and simultaneous Kurdistan regional assembly and provincial elections. This government is to be in place until elections for a permanent government are held, currently planned for December 15, 2005. The KDP and PUK concluded that their electoral prospects would be strengthened by allying. The two jointly offered a 165-member "Kurdistan Alliance" slate in the Assembly elections, which were based on proportional representation. With northern Iraq relatively safe, Kurdish turnout, estimated at 90%, exceeded that of any other major Iraqi community. The Kurdistan Alliance slate won about 26% of the vote, earning it 75 Assembly seats. A small Kurdish party, the Islamic Group of Kurdistan, won 2 seats. The two major parties also ran a joint slate in the provincial and Kurdish regional elections; winning 82 seats in the 105-seat Kurdish regional assembly, with independent parties splitting the remaining 23 seats.

On the strength of their electoral showing, the main Kurdish parties, in talks with the victorious Shiite "United Iraqi Alliance" (UIA), which won 140 seats, insisted on a number of demands, knowing that their 75 votes would be needed to obtain the two-thirds majority needed to confirm a new leadership structure. The Kurds insisted that Talabani be president of Iraq; that they receive substantial autonomy, including the right to continue to field the *peshmerga*; and that they control Kirkuk and other economic resources (mostly oil revenues) in or generated in the Kurdish areas. (Kirkuk purportedly sits on 10% of Iraq's overall proven oil reserves of about 112 billion barrels.) They also opposed characterizing Islamic law as the primary source of law in the permanent constitution to be drafted. Kurdish leaders — possibly at odds with mainstream Kurdish opinion — have said that, for now, they would not push for independence. This stance is likely to ease the concerns of Turkey, as well as Syria and Iran, which have substantial Kurdish populations. As evidence of the popularity of independence among the Kurdish population, a "referendum" was held at the margins of the January 30, 2005 vote asking Kurdish voters if they backed Kurdish independence; about 95% of respondents said yes. The survey had been demanded by 1.7 million signers of a petition, circulated in 2004.

During the bargaining over a new government in March-April, the Kurds apparently received much of what they demanded. The UIA agreed to “discuss” following a process, laid out in Article 58 of the TAL, that would resettle an additional 100,000 Kurds, displaced by Saddam’s regime, in Kirkuk, and then to “discuss” incorporating Kirkuk into the KRG-control region. The Kurds’ drive to control Kirkuk was strengthened by their showing in the Tamim (Kirkuk) province election; the KDP and PUK offered another joint list, the “Kirkuk Brotherhood” slate, which won 26 out of the 41 seats on that provincial council. U.S. officials estimate that, after the fall of Saddam, as many as 350,000 Kurds moved into Kirkuk to strengthen the Kurds’ vote there. The Kurdish efforts to control Kirkuk have raised fears among the city’s Arabs, many of whom were settled there by Saddam and who now might be displaced from their homes by Kurds. In addition, there is a substantial Turkoman minority in Kirkuk who also have a claim to the city. Turkey is said to be seeking to protect the Turkoman minority but also to deny the Iraqi Kurds control of the city, a result which could give the Kurds enough economic strength to support a drive for outright independence. Both the Arabs and the Turkomans in the Kirkuk provincial council reportedly have been boycotting council meetings to protest the Kurds’ moves to take over the city/province.

Kurdish officials are prominent in the new government. On April 3, Arif Tayfour became one of two deputy speakers of the National Assembly. On April 7, Talabani was sworn in as Iraq’s new president (a largely titular position), after receiving the two-thirds Assembly vote needed. Subsequently, a 32-seat cabinet was named, including eight Kurdish ministers: Hoshyar Zibari (remains foreign minister); Barham Salih (planning); Ms. Nasreen Barwari (KDP, municipalities and public works); Ms. Narmin Othman (environment); Abdel Basit Karim (trade minister); Fouad Massoum (PUK, communications); Abdul Latif Rashid (PUK, water resources); and Idris Hadi (labor and social affairs). In addition, Rosch Shaways (KDP), who was deputy president in the previous interim government, becomes one of four deputy prime ministers.



Source: Map Resources. Adapted by CRS. (K.Yancey 2/11/05)